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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,728	12/28/2001	Slade Mitchell	260042.450C1	7464

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CHRISTENSEN O'CONNOR JOHNSON KINDNESS PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

EXAMINER

VU, NGOC K

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Applicant(s)	
	10/033,728	
	MITCHELL, SLADE	
	Examiner	Art Unit
	Ngoc K. Vu	2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 and 17-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 6-16 and 35-42 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/20/02, 8/14/02</u> . | 6) <input type="checkbox"/> Other: ____. |

R stricti n/Election

1. Applicant's election without traverse of the claim of group II (claims 6-16 and 35-42) in the reply filed on May 18, 2006 is acknowledged.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 8 and 35-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 calls for "the obtained trigger information unrelated to the television signal received via the first tuner" in lines 4-5. It appears that the term "the first tuner" refers to "the first channel" since "a television signal" is received via "first channel" as previously defined. From this view, Examiner considers the limitation "the obtained trigger information unrelated to the television signal received via the first tuner" as "the obtained trigger information unrelated to the television signal received via the first channel". (Emphasis added). Appropriate correction is required.

Claims 35 and 38 are indefinite because there is no antecedent basis for the limitation "the address information" in lines 27-28.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6-8, 10, 11, 13, and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carr (US 7,051,357 B2) in view of Allport (US 6,097,441 A).

Regarding claims 6-8, Carr teaches an interactive video casting system (see figures 1A-2), comprising:

a headend (12, 14) having a multiplexer (102) to multiplex a plurality of input television signals (via 24) for a corresponding plurality of television channels (see col. 6, lines 36-43), wherein at least some of the television signals are accompanied by supplemental content (i.e., enhancement data) including trigger information associated with respective television channels (see col. 6, lines 43-45; col. 8, lines 14-16);

a trigger processor (106) coupled to the multiplexer (102) to obtain the trigger information from at least some of the television channels (see col. 6, lines 53-56); and

a storage unit (113) coupled to the headend to store the trigger information obtained by the trigger processor from the television channels, the television channels being subscribed to allow the trigger information obtained therefrom and stored in the storage unit to be provided to a client terminal (16, 17 or 19) (see col. 6, lines 56-61).

Carr further teaches that the system comprises a server (18) coupled to the trigger processor (106) to provide the obtained trigger information from all of the television channels to the client terminal (16, 17 or 19) (see col. 7, lines 5-9 and 56-58 and figure 2).

Carr further teaches that trigger processor is coupled to provide the obtained trigger information to the client terminal (16, 17 or 19), the client terminal being capable to tune a first channel to receive a television signal therein and to tune to a second channel (via non-A/V channel) to receive the obtained trigger information unrelated to the television signal received via the first channel (via A/V channel) (see col. 6, lines 61-64; col. 7, lines 52-61; col. 10, lines 5-21; figure 3B).

Carr does not explicitly disclose sending the obtained trigger information to a remote device from the client terminal. Allport teaches providing trigger information, i.e., web site or a lists of web sites, to a remote device 10 via a base station unit 75 to allow user to browse the web site(s) on the remote device 10 (col. 10, lines 9-11; col. 12, lines 29-38 and figure 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Carr by providing trigger information, i.e., web site or a lists of web sites, to a remote device via a base station unit to allow user accessing the web site(s) from the remote device as taught by Allport in order to browse the web site(s) on the remote device without affecting or interfering with the primary TV display.

Regarding claim 10, Carr further teaches that the trigger processor provides the trigger information to the client terminal via by way of a cable modem connection (via 112) (see col. 7, lines 1-4).

Regarding claim 11, the combined teaching of Carr and Allport further includes that the headend is coupled to receive an instruction from the remote device (receiving a request from the remote device 10 via base station unit) to obtain and store trigger information from a television program in a particular television channel that is tuned to prior to tuning to another television channel (since providing the trigger information to access to web site related to the program in a particular channel being broadcast) (see Allport: col. 9, lines 36-45 and col. 12, lines 12-34; Carr: figure 2).

Regarding claim 13, the combined teaching of Carr and Allport further includes that the headend receives instruction from the remote device (receiving a request from the remote device 10 via base station unit) to obtain and store trigger information associated with a particular television channel while the client terminal (base station unit) located proximate to the remote device (10) is tuned to a television signal on a different television channel (since

providing the trigger information to access to web site related to the program in a particular channel being broadcast) (see Allport: col. 9, lines 36-45; col. 12, lines 12-34; Carr: figure 2).

Regarding claim 35, Carr teaches an interactive video casting system (see figures 1A-2), comprising:

a broadcast center (12, 14) having a multiplexer (102) to multiplex a plurality of input television signals (via 24) for a corresponding plurality of television channels (see col. 6, lines 36-43), wherein at least some of the television signals are accompanied by supplemental content (i.e., enhancement data) including trigger information associated with respective television channels (see col. 6, lines 43-45; col. 8, lines 14-16);

a trigger processor (106) coupled to the multiplexer (102) to obtain the trigger information from at least some of the television channels (see col. 6, lines 53-56); and

a storage unit (113) coupled to the headend to store the trigger information obtained by the trigger processor from the television channels, the television channels being subscribed to allow the trigger information obtained therefrom and stored in the storage unit to be provided to a client terminal (16, 17 or 19) (see col. 6, lines 56-61),

wherein the client terminal (16, 17 or 19) for a television for the interactive video casting system is coupled to present supplemental content corresponding to trigger information on the television, wherein the television includes a screen to display supplemental content available from the interactive video casting system (see col. 2, lines 45-48),

wherein the client terminal is capable of being communicatively coupled to the interactive video casting system to receive the trigger information (triggers from the enhancement data) from the interactive video casting system and is coupled to present at least some of the supplemental content on the screen of the television in addition to television signals (A/V contents) from television channels (see col. 8, lines 14-20; see col. 2, lines 45-48),

wherein the interactive video casting system includes a plurality of content sources (A/V content source and enhancement data source) communicatively coupled to a plurality of broadcast centers (within content creator 12), wherein the broadcast centers are coupled to storage mediums to store at least some of the supplemental content to be made available to the client terminal (16, 17 and 19) (see col. 2, lines 27-33).

Carr does not explicitly disclose providing the trigger information to a remote information and/or sending the address information to the remote device. Allport teaches providing trigger information, i.e., web site or a lists of web sites, to a remote device 10 via a base station unit 75 to allow user to browse the web site(s) on the remote device 10 (col. 10, lines 9-11; col. 12, lines 29-38 and figure 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Carr by providing trigger information, i.e., web site or a lists of web sites, to a remote device via a base station unit to allow user accessing the web site(s) from the remote device as taught by Allport in order to browse the web site(s) on the remote device without affecting or interfering with the primary TV display.

Regarding claim 36, Carr teaches that the system includes satellite delivery system (see col. 2, lines 39-45).

Regarding claim 37, Carr teaches that the interactive video casting system comprises an interactive television system (since the television system provides ancillary information associated with a plurality of audio/video programs. For example, a viewer may be represented with the option of viewing advertisements, educational information, and so forth, while watching regular television programming. See col. 1, lines 29-54).

6. Claims 9, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carr (US 7,051,357 B2) in view of Allport (US 6,097,441 A) further in view of Ullman et al. (US 6,018,768 A).

Regarding claim 9, the combined teaching of Carr and Allport further includes providing the trigger information to the remote device. It is noted that the remote device in Allport's system can connect to an outside data source such as Internet via one of the ports (see col. 15, lines 58-61). Both fails to teach providing trigger information to the remote device by the way of a communication link independent of the client terminal. However, Ullman teaches sending URLs to remote device (PC 16) directly from server to allow user retrieving the web pages associated with television program (see col. 6, lines 60-63; col. 9, lines 4-28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Carr and Allport by directly sending URLs to remote device from server as taught by Ullman in order to reduce cost.

Regarding claims 12 and 14, Carr and Allport fail to teach providing trigger information based on viewer preferences. However, Ullman teaches sending trigger information or URLs to user based on user profile (see col. 7, lines 12-29). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Carr and Allport by providing trigger information or URLs based on viewer preferences as taught by Ullman in order to provide information relevant to user's interest.

7. Claims 15, 16 and 38-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carr (US 7,051,357 B2) in view of Allport (US 6,097,441 A) further in view of Banker et al. (US 5,485,221 A).

Regarding claims 15 and 16, Carr teaches a client terminal coupled to a television (see Carr: col. 2, lines 45-48). The combined system of Carr and Allport fails to teach sending non-programming-related trigger information that is to be provided to the client terminal via an override channel. However, Banker discloses sending data such as stock quote via a scrambler to subscribers (see col. 7, lines 35-43 and figure 1A). Therefore, it would have been obvious to

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one of ordinary skill in the art at the time the invention was made to modify the combined system of Carr and Allport by sending non-programming-related trigger information, i.e., stock quote, via a scrambler to the client terminal as taught by Banker in order to effectively enhance television services.

Regarding claims 38-42, Carr teaches an interactive video casting system (see figures 1A-2), comprising:

a broadcast center (12, 14) having a multiplexer (102) to multiplex a plurality of input television signals (via 24) for a corresponding plurality of television channels (see col. 6, lines 36-43), wherein at least some of the television signals are accompanied by supplemental content (i.e., enhancement data) including trigger information associated with respective television channels (see col. 6, lines 43-45; col. 8, lines 14-16);

a trigger processor (106) coupled to the multiplexer (102) to obtain the trigger information from at least some of the television channels (see col. 6, lines 53-56); and

a storage unit (113) coupled to the headend to store the trigger information obtained by the trigger processor from the television channels, the television channels being subscribed to allow the trigger information obtained therefrom and stored in the storage unit to be provided to a client terminal (16, 17 or 19) (see col. 6, lines 56-61),

wherein the client terminal (16, 17 or 19) for a television for the interactive video casting system is coupled to present supplemental content corresponding to trigger information on the television, wherein the television includes a screen to display supplemental content available from the interactive video casting system (see col. 2, lines 45-48),

wherein the client terminal is capable of being communicatively coupled to the interactive video casting system to receive the trigger information (triggers from the enhancement data) from the interactive video casting system and is coupled to present at least

some of the supplemental content on the screen of the television in addition to television signals (A/V contents) from television channels (see col. 8, lines 14-20; see col. 2, lines 45-48),

wherein the interactive video casting system includes a plurality of content sources (A/V content source and enhancement data source) communicatively coupled to a plurality of broadcast centers (within content creator 12), wherein the broadcast centers are coupled to storage mediums to store at least some of the supplemental content to be made available to the client terminal (16, 17 and 19) (see col. 2, lines 27-33).

Carr further teaches providing the trigger information to the client terminal via cable modem (via 112) (see col. 7, lines 1-4).

Carr does not explicitly disclose providing the trigger information to a remote information and/or sending the address information to the remote device. Allport teaches providing trigger information, i.e., web site or a lists of web sites, to a remote device 10 via a base station unit 75 to allow user to browse the web site(s) on the remote device 10 (col. 10, lines 9-11; col. 12, lines 29-38 and figure 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Carr by providing trigger information, i.e., web site or a lists of web sites, to a remote device via a base station unit to allow user accessing the web site(s) from the remote device as taught by Allport in order to browse the web site(s) on the remote device without affecting or interfering with the primary TV display.

The system of Carr includes a trigger inserter (within 12) coupled to the multiplexer (102) to provide trigger information (enhancement data) and television content (see col. 2, lines 27-33). The combined system of Carr and Allport fails to teach providing non-programming-related trigger information to the client terminal via an override channel. However, Banker discloses sending data such as stock quote via a scrambler to subscribers (see col. 7, lines 35-43 and figure 1A). Therefore, it would have been obvious to one of ordinary skill in the art at the time

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the invention was made to modify the combined system of Carr and Allport by sending non-programming-related trigger information, i.e., stock quote, via a scrambler to the client terminal as taught by Banker in order to effectively enhance television services.

Conclusion

8. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ngoc K. Vu
Primary Examiner
Art Unit 2623

August 7, 2006